

AMENDED IN SENATE MAY 4, 2009
AMENDED IN SENATE APRIL 23, 2009
AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 398

Introduced by Senator Correa

February 26, 2009

An act to amend Section 18691 of, and to add Section 18308 to, the Health and Safety Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

SB 398, as amended, Correa. Mobilehome parks: fire code enforcement.

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(1) *The Mobilehome Parks Act* authorizes the governing body of a city, county, or city and county, *following approval by the Department of Housing and Community Development*, to assume responsibility for the enforcement of the act and the regulations adopted pursuant to the act, and other specified provisions of law and the regulations adopted pursuant to those provisions, upon the governing body's provision of 30 days' notice to the ~~Department of Housing and Community Development~~. The act also authorizes a city, county, or city and county to cancel its assumption of responsibility for the enforcement of the act and the regulations adopted pursuant to the act, and other specified provisions of law and the regulations adopted pursuant to those provisions, upon the city, county, city and county's provision of written notice to the department. The act, notwithstanding specified provisions of law, *also* authorizes a city, county, city and county, or special district that is not the enforcement agency under the act to enforce its fire

prevention code, as it relates to specified subjects, in mobilehome parks. ~~Before assuming fire code enforcement, a city, county, city and county, or special district is required to give the department a 30-day written notice.~~

This bill would require enforcement agencies responsible for the enforcement of the act and the regulations adopted pursuant to the act to maintain all records on file of mobilehome park inspections conducted since January 1, 1991. The bill would ~~also~~ require the department, to ~~the maximum extent feasible~~ *extent funding is available*, to make all inspection records available pursuant to the act and specified records and reports relating to fire hydrants accessible on the department's Internet Web site by no later than July 1, 2012. The bill would also delete the authorization of a city, county, city and county, or special district that is not the enforcement agency under the act to enforce its fire prevention code, *as it relates to those specified subjects*, in mobilehome parks.

(2) *Existing law requires that regulations adopted by the department be applicable in all parks, except in a park within a city, county, or city and county that is the enforcement agency and has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by building standards published in the California Building Standards Code and other state regulations.*

This bill would delete from the exception the requirement that the city, county, or city and county be the enforcement agency and instead require, in addition to other criterion, that the park be within a city, county, or city and county that has assumed fire code enforcement in accordance with existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 18308 is added to the Health and Safety
- 2 Code, to read:
- 3 18308. (a) Enforcement agencies responsible for the
- 4 enforcement of this part and the regulations adopted pursuant to
- 5 this part shall maintain all records on file of mobilehome park
- 6 inspections conducted since January 1, 1991.
- 7 (b) The department shall, ~~to the maximum extent feasible~~ *to the*
- 8 *extent funding is available*, make all inspection records available

pursuant to subdivision (a) and records and reports relating to fire hydrants required by subdivision (a) of Section 18691 accessible on the department's Internet Web site by no later than July 1, 2012.

SEC. 2. Section 18691 of the Health and Safety Code is amended to read:

18691. (a) The department shall adopt rules and regulations that it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in parks. The department shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 for the purposes described in this section within permanent buildings. The department, in consultation with local firefighting agencies, shall adopt and implement no later than January 1, 2002, regulations that require regular maintenance and periodic inspection and testing of fire hydrants in mobilehome parks.

(b) Before assuming fire code enforcement in accordance with ~~this section~~ *part*, a city, county, city and county, or special district shall give the department a 30-day written notice. A city, county, city and county, or special district that enforces its fire prevention code ~~pursuant to this section~~ *in accordance with this part* shall apply its code provisions to conditions that arise after adoption of its fire prevention code, to conditions not legally in existence at the adoption of its fire prevention code, or to conditions that, in the opinion of the fire chief, constitute a distinct hazard to life or property.

(c) The regulations adopted by the department shall be applicable in all parks, except in a park within a city, county, or city and county that has assumed fire code enforcement ~~under subdivision (b)~~ *in accordance with this part* and has adopted a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by those building standards published in the California Building Standards Code and the other state regulations adopted by the department.

(d) Notwithstanding the provisions of this section, the rules and regulations adopted by the department relating to the installation of water supply and fire hydrant systems shall not apply

- 1 within parks constructed, or approved for construction, prior to
- 2 January 1, 1966.

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